

1 ANDREW M. ZACKS (SBN 147794)
2 JAMES B. KRAUS (SBN 184118)
3 ZACKS UTRECHT & LEADBETTER, P.C.
4 235 Montgomery Street, Suite 400
5 San Francisco, CA 94104
6 (415) 956-8100

FILED
OCT 31 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Attorneys for: Plaintiff Regan Carroll Trust

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

REGAN CARROLL TRUST, Regan)
Carroll, trustee,)
Plaintiff,)
v.)
CITY AND COUNTY OF SAN)
FRANCISCO, et al.)
Defendants.)

ACTION NO: C-07-2577 SBA

PLAINTIFF'S NOTICE OF APPEAL

Plaintiff and Appellant REGAN CARROLL TRUST, Regan Carroll,
trustee, appeals to the Ninth Circuit Court of Appeals from the October 1, 2008 order
dismissing his complaint pursuant to FRCP 12(b)(6).

Date: October 31, 2008

ZACKS UTRECHT & LEADBETTER, P.C.
235 Montgomery Street, Suite 1130
San Francisco, CA 94104

By:

James B. Kraus

Attorneys for Plaintiff/Appellant

PROOF OF SERVICE BY MAIL

I, Alycia Zammarchi, declare as follows:

I am over eighteen years of age and not a party to the within action; I served the pleadings referred to herein; my business address is 235 Montgomery Street, #400, San Francisco, California 94104. I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service, and that the correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business.

On *October 31, 2008*, I served:

Plaintiff's Notice of Appeal

by mailing a true copy to:

***Kristen Jensen
Office of the City Attorney
1 Dr. Carlton B. Goodlett Place
City Hall, Room 234
San Francisco, CA 94102***

The envelopes were sealed and placed for collection and mailing on said date following ordinary business practices.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at San Francisco.

Dated: *October 31, 2008*


Alycia Zammarchi

Court Name: U.S. District Court, NDCA
Division: 4
Receipt Number: 44611002783
Cashier ID: lenahac
Transaction Date: 10/31/2008
Payer Name: Zacks Utrecht et al

NOTICE OF APPEAL/DOCKETING FEE

For: Regan Carrol Trust
Case/Party: D-CAN-4-07-CV-002577-001
Amount: \$455.00

CHECK

Check/Money Order Num: 2973
Amt Tendered: \$455.00

Total Due: \$455.00
Total Tendered: \$455.00
Change Amt: \$0.00

SBA

Checks and drafts are accepted
subject to collections and full
credit will only be given when the
check or draft has been accepted by
the financial institution on which
it was drawn.